

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Appln. No. 09/816,352
Attorney Docket No.: Q63622

REMARKS

Claims 1 and 3-7 are all the claims pending in the application. By this Amendment, Applicant amends claim 1 to broaden the scope of the claim and to further clarify the invention.

Preliminary Matter

The Examiner failed to acknowledge the claim for priority under 35 U.S.C. § 119(e), as well as the receipt of a certified copy of the priority document filed on March 26, 2001.

Therefore, Applicant respectfully requests the Examiner to check the appropriate boxes on the Form PTO-326 indicating that the claim for priority is acknowledge and that the certified copy of the priority document JP 2000-083610 (filed on March 26, 2001) has been received.

Summary of the Office Action

The Examiner rejected claims 1 and 4-7 under 35 U.S.C. § 102(e) and claim 3 under 35 U.S.C. § 103(a).

Rejections under 35 U.S.C. §§ 102 and 103

Claims 1 and 4-7 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,600,713 to Tognazzini (hereinafter "Tognazzini") and claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Tognazzini in view of "Official Notice". Applicant respectfully traverses these rejections in view of the following comments.

Of these rejected claims, only claim 1 is independent. Claim 1, among a number of unique features, recites: "wherein the write area further records and stores file management information for managing the pre-recorded file and the updated version of the pre-recorded file, wherein the file management information is volume configuration information in a volume of a

file system comprising the file and file configuration information in said volume, and wherein the file configuration information includes a name, a size, a position on the volume, and access control information of the file.”

For example, in an illustrative embodiment of the present invention, it is disclosed that the updated version and the file management information are recorded on the write area and that the file management information manages the updated version in addition to the pre-recorded file. That is, the file management information manages both, the pre-recorded version in the read only memory and the updated version in the random access memory (Fig. 7). It will be appreciated that the foregoing remarks relate to the invention in a general sense, the remarks are not necessarily limitative of any claims and are intended only to help the Examiner better understand the distinguishing aspects of the claims mentioned above.

Tognazzini, on the other hand, has a serial number for indicating that additional information is recorded in the read/write part 102 of the disk. When the disk is inserted and the serial number is detected, the serial number is matched with a record containing control information, stored in the RAM 410B of the computer. In Tognazzini, the control information is used as an index to identify the category of the disk (alleged volume configuration information) and the format of user inputs stored in the read/write part thereof (alleged file configuration information). The information processing system then carries out the program or otherwise performs steps in accordance with the control information corresponding to the serial number and the information in the read/write part of the hybrid disk (Fig 6; col. 5, line 48 to col. 6, line 28). Tognazzini, however, fails to disclose or suggest that the serial number (alleges file

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management information) would manage both the pre-recorded file and the updated version of the pre-recorded file.

Moreover, the Examiner alleges that a serial number of Tognazzini discloses a “file management information,” as set forth in claim 1. That is, the Examiner alleges that the serial number of Tognazzini discloses both “volume configuration information” and “file configuration information”. Further, the Examiner alleges that Tognazzini discloses the file configuration information having a name, size information, a position on the volume, and access control information (*see* pages 2 and 4 of the Office Action).

Applicant respectfully submits, however, that if the serial number of Tognazzini allegedly discloses the file management information, then Tognazzini’s serial number must include a name. Tognazzini does not disclose or suggest that the serial number would also include a name. That is, Applicant respectfully submits that a mere serial number does not contain a name, as alleged by the Examiner. In other words, in Tognazzini, the serial number fails to disclose or suggest the file configuration information that would contain a name. In short, the serial number, such as the one disclosed in Tognazzini, would not also include a name.

Therefore, “wherein the write area further records and stores file management information for managing the pre-recorded file and the updated version of the pre-recorded file, wherein the file management information is volume configuration information in a volume of a file system comprising the file and file configuration information in said volume, and wherein the file configuration information includes a name, a size, a position on the volume, and access control information of the file,” as set forth in claim 1 is not disclosed by Tognazzini, which

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lacks a serial number that would control both the pre-recorded information and the updated information and which lacks the serial number having a name. For at least these exemplary reasons, claim 1 patentably distinguishes from Tognazzini. Accordingly, Applicant respectfully requests the Examiner to withdraw this rejection of claim 1 and its dependent claims 3-7.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

Entry and consideration of this Amendment is respectfully requested.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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